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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,805	05/30/2001	Susumu Honma	109656	5667

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EXAMINER

KOROBV, VITALI A

ART UNIT PAPER NUMBER

2155

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N . 09/866,805	Applicant(s) HONMA ET AL.	
	Examiner Vitali Korobov	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 - 9 are presented for examination.
2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/9866805, filed on 05/30/2001.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10" and "12" have both been used to designate the same item on Fig. 1.

The drawings are further objected to since the specifications has no mention of item "A", appearing on both Fig. 2A and 2B.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claim 1 - 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,191,611 by Lang (Lang).

With respect to claim 1, Lang teaches a document data transmission device comprising: storage means for storing plural document data pieces including one or plural page data pieces (Col. 5, lines 43 – 50); page data transmission request receiving means for receiving a page data transmission request transmitted from a user terminal (Col. 8, lines 55 – 58, see also Fig.1, items 14, 18 and 20), requesting to transmit specific page data contained in specific document data selected among the plural document data pieces stored

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in the storage means (Col. 11, lines 13 – 16); and page data transmitting means for transmitting the specific page data contained in the specific document data to the user terminal through a satellite network (Col. 11, lines 16 – 20; see also Fig. 7 and 8, and Col. 11, lines 26 – 29), on the basis of the page data transmission request received by the page data transmission request receiving means. (Col. 11, lines 16 – 20).

With respect to claim 2, Lang teaches a document data transmission device according to claim 1, wherein the storage means stores plural summary data pieces including contents information of each of the plural document data pieces (Col. 11, lines 4 – 8), the document data transmission device further comprising: summary data transmission request receiving means for receiving summary data transmission request transmitted from the user terminal, requesting to transmit a specific summary data selected among the plural summary data pieces stored in the storage means; and summary data transmitting means for transmitting the specific summary data to the user terminal, on the basis of the summary data transmission request received by the summary data transmission request receiving means. (Col. 11, lines 10 – 14)

With respect to claim 3, Lang teaches a document data transmission device according to claim 2, further comprising: billing amount calculating means for calculating a billing amount charged to a transmission of the page data and to a transmission of the summary data, on the basis of a unit price charged to a transmission of a unit data quantity of the page data and a unit price charged to a transmission of a unit data quantity of the summary data. Col. 13, lines 33 – 38)

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With respect to claim 4, Lang teaches a document data transmission reception system comprising: the document data transmission device according to claim 1; and a user terminal for transmitting a page data transmission request requesting to transmit the specific page data to the document data transmission device, and receiving the specific page data transmitted from the document data transmission device through a satellite network.

With respect to claim 5, Lang teaches a document data transmission reception system comprising: the document data transmission device according to claim 2; and a user terminal for transmitting a summary data transmission request requesting to transmit the specific summary data to the document data transmission device, and receiving the specific summary data transmitted from the document data transmission device. (Fig. 7 and 8).

With respect to claim 6 - 8, said claims are rejected in view of the above rejection of claims 1 - 5. The limitations of claim 6 - 8 are essentially the same as the limitations of claims 1 - 5, except that it sets forth the claimed invention as a method rather than an apparatus or a system.

With respect to claim 9, it is rejected in view of the above rejection of claims 1 and 2, because the limitations of claim 9 are the same as the limitations of claim 1 and 2.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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U.S. Patent No. 6044405 A, "Service network incorporating geographically-remote hubs linked by high speed transmission paths" by Driscoll et al. The invention teaches the service network over which the document is electronically transmitted that includes either a fiber optic transmission pathway or a satellite link.

U.S. Patent No. 6460076 B1, "Pay per record system and method", by Srinivasan. The patent teaches a web page that is provided on the server for customers to access and view the products that are for sale. A system then bills customers on the "per download" basis.

U.S. Patent Application Publication No. 20020126321, "A Store and Forward Image Communication System with Transmission Mode Selection" by Trachtman. The patent teaches an apparatus and methods for image communications, particularly but not exclusively for facsimile images, particularly for mobile communications, particularly but not exclusively via satellite.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

VAK
01/17/05


BHARAT BAROT
PRIMARY EXAMINER